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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,599	04/02/2004	Michael Joseph Toutonghi	13768.991	3131
47973 7590 09/22/2009 WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111				
EXAMINER				
WILLIAMS, CLAYTON R				
ART UNIT		PAPER NUMBER		
2457				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/817,599

**Applicant(s)**

TOUTONGHI, MICHAEL JOSEPH

**Examiner**

Clayton R. Williams

**Art Unit**

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1.5-7.9-14, 18, 22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1.5-7.9-14, 18, 22, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1, 5-7, 9-14, 18 and 22-25 are pending in this application per amendment.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 9-11, 13, 14, 18 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohsenin al. (20050075895: hereinafter Mohsenin), in view of Bucher (6928476: hereinafter Bucher).

For claims 1 and 18, Mohsenin discloses a method for a data acquisition device, which is configured to generate at least two different types of data objects, to distinguish between the at least two different types of data objects, and to selectively and automatically transfer only some of the data objects, including a new data object to a user storage device and based upon a determination of data object type, the method comprising:

detecting that a new data object has been created and stored on the data acquisition device ([0024]);

determining a type of the new data object from a plurality of available types, wherein the plurality of available types comprise a sound data object type, a voice data object type, an image data object type, and a video data object type ([0021]);

accessing a configuration file which specifies which type of data objects are to be stored locally and which type of data objects are to be stored remotely, and determining that the configuration file specifies that the new data object is of a particular type that should be stored remotely at a user storage device ([0027]);

establishing a communication session with the selected user storage device using the network address corresponding to the selected user storage device ([0021]); and

sending the new data object to the selected user storage device for storage therein ([0021]).

Bucher discloses:

establishing a communication session with an online connection service and communicating with the online connection service to obtain a list of available user storage devices associated with the data acquisition device wherein the list includes a network address for each available user storage device on the list;

selecting, from the list, an available user storage device on which to store the new data object (Bucher, col. 7, lines 1-10);

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Bucher's teachings of a remote data storage system that presents a user device with a list of remote storage devices to which data may be sent with

Mohsenin's teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device selectively transmits acquired objects to one of a plurality of remote storage devices. The motivation to combine would have been to extend the options presented to a user device regarding media object storage.

For claim 9, the combination of Mohsenin and Bucher discloses the method of claim 1, wherein communicating with the online connection service comprises sending authentication information to authenticate the data acquisition device to the online connection service (Mohsenin, [0024], lines 16-25).

For claim 10, the combination of Mohsenin and Bucher discloses the method of claim 1, further comprising requesting permission to store the new data object at the at least one available user storage device before sending the object to the at least one available user storage device (Bucher, col. 4, lines 23-29, disclosure that remote storage device must first approve data transfer before receipt of data).

For claim 11, the combination of Mohsenin and Bucher discloses the method of claim 10, wherein the requesting permission is performed implicitly by sending authentication information to the at least one available user storage device and receiving an authentication success message from the at least one available user storage device

(Bucher, col. 4, lines 23-29, disclosure that remote storage device must first approve data transfer before receipt of data).

For claim 13, the combination of Mohsenin and Bucher discloses the method of claim 1, wherein establishing the communication session with the at least one available user storage device comprises establishing a link with the at least one available user storage device through an intermediate proxy server (Bucher, col. 4, lines 43-48).

For claim 22, the combination of Mohsenin and Bucher discloses the method of claim 1, further comprising wherein the configuration file included on the data acquisition device is input by a user (Mohsenin, [0027]).

For claim 23, the combination of Mohsenin and Bucher discloses the method of claim 1, wherein the online connection service stores active presence information about the available user storage devices associated with the data acquisition device (Bucher, col. 7, lines 1-4, disclosure that system only provides information regarding "available" systems).

For claim 24, the combination of Mohsenin and Bucher discloses the method of claim 1, wherein establishing a communications session with the at least one available user storage device comprises a communications session which is separate and distinct from

the communications session with the online connection service (Bucher, col. 7, lines 38-43).

For claim 25, the combination of Mohsenin and Bucher discloses the method of claim 1, wherein image data objects are of the particular type configured for automatic transfer, while voice data objects are not, and such that, such that image data objects are selected for automatic transfer while voice data objects are refrained from being selected for automatic transfer (Mohsenin, [0027]).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohsenin, in view of Bucher, and further in view of Snyder et al. (5564109: hereinafter Snyder).

For claim 5, the combination of Mohsenin and Bucher discloses the method of claim 1.

Snyder discloses:

further comprising receiving a prioritized list of available user storage devices associated with the data acquisition device from the online connection service (Snyder, col. 4, lines 5-10).

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Snyder's teachings of providing a user with a ranked list of peripherals which can perform a designated task with Mohsenin and Bucher's teachings of a user device that selectively transmit media objects to a remote storage unit in order

to create a system wherein a user device is provided with a prioritized list of storage devices available for data retention. The motivation to combine would have been to assist a user device in selecting suitable storage devices for use in receiving user-provided media objects.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohsenin, in view of Bucher, and further in view of Harrow et al. (20030009586: (hereinafter Harrow)).

For claim 12, the combination of Mohsenin and Bucher discloses the method of claim 1.

Harrow discloses:

wherein establishing the communication session with the at least one available user storage device comprises establishing a peer- to-peer link with the at least one available user storage device (Harrow, [0027]).

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Harrow's teachings of a system which directs a client to establish a peer-to-peer connection to another peer for the purpose of carrying out a desired function with Mohsenin and Bucher's teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device establishes a session with a select storage device. The motivation to combine would have been to allow a user storage device to establish direct communication with a desired storage device.



6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohsenin, in view of Bucher, in view of Snyder, and further in view of Domenikos et al. (5838916: hereinafter Domenikos).

For claim 6, the combination of Mohsenin, Bucher and Snyder discloses the method of claim 1.

Domenikos discloses:

further comprising receiving information on the communications protocols supported by each available user storage device on the prioritized list (Domenikos, col. 19, lines 18-35).

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Domenikos' teachings of a system which provides a client system with a list of servers, including communication protocol information, that provide a desired service with Mohsenin and Bucher's teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device establishes a session with a select storage device. The motivation to combine would have been to provide a requesting user device with a ranked list, which includes protocol information, of available entities on which to store data.

For claim 7, the combination of Mohsenin, Bucher, Snyder and Domenikos discloses the method of claim 6, wherein the sending of the new data object is in accordance with

the communications protocol supported by the at least one available user storage device (Domenikos, col. 19, lines 18-35).

7. Claim 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohsenin, in view of Bucher, and further in view of Koodli (6571095: hereinafter Koodli).

For claim 14, Mohsenin discloses a method for a data acquisition device, which is configured to generate at least two different types of data objects, to distinguish between the at least two different types of data objects, and to selectively and automatically transfer only some of the data objects, including a new data object to a user storage device and based upon a determination of data object type, the method comprising:

- detecting that a new data object has been created and stored on the data acquisition device (Mohsenin, [0024]);

- determining a type of the new data object from a plurality of available types, wherein the plurality of available types comprise a sound data object type, a voice data object type, an image data object type, and a video data object type (Mohsenin, [0021]);

- accessing a configuration file which specifies which type of data objects are to be stored locally and which type of data objects are to be stored remotely, and determining that the configuration file specifies that the new data object is of a particular type that should be stored remotely at a user storage device (Mohsenin, [0027]);

establishing a communication session with the selected user storage device using the network address corresponding to the selected user storage device (Mohsenin, [0021]); and

sending the new data object to the selected user storage device for storage therein (Mohsenin, [0021]).

Bucher discloses:

establishing a communication session with an online connection service and communicating with the online connection service to obtain a list of available user storage devices associated with the data acquisition device wherein the list includes a network address for each available user storage device on the list;

selecting, from the list, an available user storage device on which to store the new data object (Bucher, col. 7, lines 1-10);

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Bucher's teachings of a remote data storage system that presents a user device with a list of remote storage devices to which data may be sent with Mohsenin's teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device selectively transmits acquired objects to one of a plurality of remote storage devices. The motivation to combine would have been to extend the options presented to a user device regarding media object storage.

Koodli discloses 1) acquiring presence information of storage devices on the basis of instant messaging technology; and 2) the selection being made on the basis of connection route (col. 6, line 48-col. 7, line 14).

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Koodli's teachings of acquiring presence information via instant messaging technology with Mohsenin and Bucher's teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device selectively connects to a storage device on the basis of presence and route availability. The motivation to combine would have been to ensure that a user device makes decisions regarding storage device selection the basis of real-time data of storage device availability.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues prior art of record does not teach a user device connecting to a storage device via a "session". Examiner disagrees. As highlighted by Applicant's own arguments, Bucher does teach a system wherein data, passing through an intermediary, is forwarded in real time to user storage device. As one of ordinary skill would recognize, this in fact does constitute a "session". In furtherance of establishing distinguishably patentable features of the limitation at issue, Examiner suggests

Applicant provide further details regarding the establishment of a session between the user and storage devices.

Applicant argues prior art of record does not teach employing instant messaging technology to apprise a user device of the presence of a storage device. Examiner respectfully disagrees. Koodli clearly and unambiguously teaches an advertisement server which receives real-time updates of the "presence" and routing information of services offered by additional services which it indexes (col. 6, line 48-col. 7, line 14). .

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clayton R. Williams whose telephone number is 571-270-3801. The examiner can normally be reached on M-F (8 a.m. - 5 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Clayton R Williams/  
Examiner, Art Unit 2457  
9/10/2009

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